

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

v. :

TODAY’S GROWTH CONSULTANT, INC. :  
(dba THE INCOME STORE) :

and :

KENNETH D. COURTRIGHT, III, :

Defendants. :

Civil Action No. 1:19-cv-08454

MELANIE E. DAMIAN, AS RECEIVER OF  
TODAY’S GROWTH CONSULTANT, INC.  
(dba THE INCOME STORE),

Plaintiff,

v.

ASHER MILGROM, DANIEL GIORDANO,  
DANIEL MEYER, and JDS CONSULTING GROUP  
LLC,

Defendants.

Ancillary Case No. 20-cv-06546

**MOTION FOR CLERK’S ENTRY OF DEFAULT AGAINST  
DEFENDANT JDS CONSULTING GROUP**

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiff, Melanie E. Damian, as Receiver of Today’s Growth Consultant, Inc. (“Plaintiff” or the “Receiver”), hereby request the entry of a default against Defendant, JDS Consulting Group (“Defendant”), and in support states:

1. On December 30, 2020, the Receiver filed the Complaint, commencing this action against several defendants, including Defendant, stating claims to avoid and recover fraudulent

transfers pursuant to Section 5(a)(1) and 5(a)(2) of the Illinois Fraudulent Transfer Act and of unjust enrichment.

2. Plaintiff made several attempts to serve the Complaint and Summon at the address of the registered agent for Defendant. The Plaintiff's process server also left voicemail and email messages to the registered agent regarding service and did not receive responses.

3. Having excised reasonable diligence to have Defendant served, Plaintiff moved for approval by the Court to effectuate service on defendant by publication, pursuant to Wis. Stat. § 801.11(5)(b)<sup>1</sup>. A legal notice was published in the Wisconsin State Journal on May 20, 2021, May 27, 2021, and June 3, 2021. As such, Defendant's response to the Complaint was due on June 29, 2021<sup>2</sup>. A Proof of Publication Affidavit was filed on June 11, 2021. *See* ECF No. 23.

4. To date, Defendant has failed to file an answer or otherwise respond to the Complaint. Moreover, Defendant has not reached out to the Receiver or her counsel for an extension of time. No attorney has made an appearance on behalf of Defendant.

5. The Clerk must enter a default when a defendant "against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend," as has been shown above. *See* Fed. R. Civ. P. 55(a).

WHEREFORE, Plaintiff respectfully request the entry of the attached proposed clerk's default against Defendant, JDS Consulting Group, LLC, in accordance with Federal Rule of Civil Procedure 55(a).

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<sup>1</sup> Wis. Stat. § 801.11(5)(b) states: "If with reasonable diligence the defendant cannot be served [by personally serving the summons], then the summons may be served upon an officer, director or managing agent of the corporation or limited liability company by publication and mailing."

<sup>2</sup> Pursuant to Wis. Stat. § 801.09(2)(b), a defendant has 40 days from the date of the first required publication to respond to a summons and complaint.

Respectfully Submitted,

DAMIAN & VALORI LLP

/s/ Kenneth Dante Murena

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as Court-Appointed Receiver*

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*Co-Counsel for Plaintiff Melanie E. Damian,  
as Court-Appointed Receiver*

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20<sup>th</sup> day of August, 2021, a true and correct copy of the foregoing was served by U.S. mail on Defendant JDS Consulting Group, LLC, c/o Joseph Sweeney, 1215 Vilas Ave., Madison, WI 53715, and via CM/ECF on all parties and counsel registered to receive notice of court filings.

s/ Kenneth Dante Murena

Kenneth D. Murena